

(1) the output of approximately one-third of the crop acreage of the United States is exported and about one out of every nine manufacturing jobs depends, directly or indirectly, on exports;

5 (2) it is in the national interest to maintain and
6 promote the export of United States goods and services
7 and thereby contribute to the health of our domestic
8 economy;

9 (3) it is in the national interest to assure contin-
10 ued access to foreign markets by United States produc-
11 ers of goods and services;

(4) the capability of existing Federal Government departments and agencies to deal with issues of international trade is fragmented and dispersed, resulting in inadequate and uncoordinated attention being given to these important issues;

17 (5) a single Cabinet-level department should exer-
18 cise unified authority for international trade affairs; and

19 (6) a Department of International Trade should be
20 established to implement policies of the Congress pur-
21 suant to its Constitutional power "to regulate com-
22 merce with foreign nations".

23 PURPOSE; FUNCTIONS

24 SEC. 3. (a) The purpose of this Act is to establish in the
25 executive branch of the Federal Government a Department

1 of International Trade to promote the international economic
2 interests of the United States through the consolidation of
3 separate existing agencies which share jurisdiction over—

4 (1) industry affairs relating to international trade;

5 (2) export promotion and financing activities;

6 (3) the formulation and implementation of United
7 States policy with respect to unfair international trade
8 practices; and

9 (4) trade reporting and monitoring.

10 (b) The functions of the Department of International
11 Trade are to—

12 (1) formulate and implement policy on internation-
13 al trade matters which will promote the export of
14 United States agricultural commodities, industrial and
15 service products, and raw materials in order to
16 strengthen the international trade position of the
17 United States and ensure that American business and
18 labor are protected from unfair international trade
19 practices;

20 (2) direct United States participation in multilater-
21 al and bilateral trade negotiations, including negotia-
22 tions on energy matters;

23 (3) direct a comprehensive program of collecting
24 and analyzing information on domestic and foreign
25 business, labor, and commercial trends;

1 (4) promote the international competitive position
2 of United States industries;

3 (5) provide assistance to United States businesses
4 in marketing goods and services abroad;

5 (6) direct long-range planning on international
6 trade matters;

7 (7) facilitate and aid in financing exports of goods
8 and services in cooperation with other appropriate
9 Government agencies;

10 (8) direct and coordinate with other appropriate
11 departments and agencies the enforcement of United
12 States law and policy on trade matters;

13 (9) consult with other departments and agencies
14 where appropriate to assure the effective administra-
15 tion of programs which have international trade
16 impact.

17 (10) administer export controls, including controls
18 on export of strategic goods and technology;

19 (11) administer and enforce customs and related
20 laws;

21 (12) gather and disseminate information on im-
22 ports, including their effects on domestic production,
23 employment, and consumption, in order to help ensure
24 appropriate and prompt responses to changing import
25 trends;

(13) act to ensure adequate supplies at competitive prices of critical materials necessary for national security and the continued functioning of the Nation's economy; and

(14) conduct such studies and investigations as may be requested by the President or Congress.

ESTABLISHMENT

SEC. 4. There is established in the executive branch of the Government the Department of International Trade (hereinafter referred to as the "Department"), which shall be headed by a Secretary of International Trade (hereinafter referred to as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level I of the Executive Schedule under section 5312 of title 5, United States Code. The Secretary shall administer, supervise, and direct the Department in accordance with the provisions of this Act. The Secretary shall consult and coordinate with the Secretary of the Treasury with respect to matters affecting international trade and monetary policy, with the Secretary of Energy on international energy issues, and with other Department heads as may be necessary and appropriate.

PRINCIPAL OFFICERS

SEC. 5. (a) There shall be in the Department of International Trade a Deputy Secretary for Trade Negotiations, who

1 shall be appointed by the President, by and with the advice
2 and consent of the Senate, shall be compensated at the rate
3 provided for level II of the Executive Schedule under section
4 5313 of title 5, United States Code, and shall have the rank
5 of Ambassador Extraordinary and Plenipotentiary. The
6 Deputy Secretary for Trade Negotiations shall act for and
7 exercise the functions of the Secretary during any period of
8 absence or disability of the Secretary or in the event of a
9 vacancy in the Office of the Secretary. The Secretary shall
10 prescribe the succession to the functions of the Secretary in
11 the event of absence or disability of or vacancy in the office
12 of such Deputy Secretary.

13 (b) There shall be in the Department a General Counsel,
14 who shall be appointed by the President, by and with the
15 advice and consent of the Senate, who shall perform such
16 functions and duties as the Secretary shall prescribe. The
17 General Counsel shall be compensated at the rate provided
18 for level IV of the Executive Schedule under section 5315 of
19 title 5, United States Code.

20 (c) There shall be in the Office of the Secretary a Direc-
21 tor of Long-Range Policy Planning who shall be appointed
22 by the President, by and with the advice and consent of the
23 Senate, and who shall be compensated at the rate provided
24 for level V of the Executive Schedule under section 5316 of
25 title 5, United States Code.

1 (d) There shall be in the Department an Inspector Gen-
2 eral who shall be appointed in accordance with the Inspector
3 General Act of 1978.

4 ASSISTANT SECRETARIES

5 SEC. 6. There shall be in the Department of Interna-
6 tional Trade, four Assistant Secretaries, each of whom shall
7 be appointed by the President, by and with the advice and
8 consent of the Senate, and who shall be compensated at the
9 rate provided for level IV of the Executive Schedule under
10 section 5315 of title 5, United States Code. The Assistant
11 Secretaries provided for under this section shall perform, in
12 accordance with the provisions of this Act and applicable
13 law, such of the functions transferred or delegated to or
14 vested in the Secretary as the Secretary shall prescribe in
15 accordance with the provisions of this Act, except that—

16 (1) one Assistant Secretary shall be responsible
17 for agricultural matters;

18 (2) one Assistant Secretary shall be responsible
19 for industrial and commercial affairs;

20 (3) one Assistant Secretary shall be responsible
21 for energy matters; and

22 (4) one Assistant Secretary shall be responsible
23 for law enforcement and investigations.

TRANSFER OF FUNCTIONS

SEC. 7. (a) There are transferred to and vested in the Secretary of International Trade—

(1) all functions, powers, and duties of the Secretary of Agriculture, the Department of Agriculture, and any officer or component thereof which are carried out through the Foreign Agricultural Service;

(2) all functions of the Secretary of Commerce, the Department of Commerce, and any officer or component thereof which are carried out through the Industry and Trade Administration, insofar as they relate to international commerce;

(3) all functions, powers, and duties of the Secretary of State, the Department of State, and any officer or component thereof which are carried out through the Assistant Secretary of State for Economic and Business Affairs and through the Department's commercial attachés, together with such other functions which involve the negotiation of trade and commodity agreements, fisheries matters, and the gathering and dissemination of information relating to foreign commercial and labor trends;

(4)(A) all functions, powers, and duties of the Secretary of the Treasury, the Department of Treasury, and any officer or component thereof involving the ne-

gotiation of trade and commodity agreements and all functions, powers, and duties of the Secretary, the Department, and any officer or component thereof which are carried out through the Assistant Secretary of the Treasury for International Affairs, except those functions of such Assistant Secretary which relate to monetary policy, international exchange, and United States membership in bilateral and multilateral monetary institutions;

(B) all functions, powers, and duties of the Secretary of the Treasury relating to dumping and countervailing duties;

(C) all functions, powers, and duties of the United States Customs Service;

(5) all functions, powers, and duties of the Special Representative for Trade Negotiations, the Office of the Special Representative for Trade Negotiations, and all officers and components thereof; and

(6) all functions, powers, and duties of the Export-Import Bank of the United States with respect to minimizing competition in Government-supported export financing and seeking to reach international agreements to reduce government subsidized export financing.

1 (b) Nothing in this Act affects the membership or the
2 method of appointment of the Board of Directors of the
3 Export-Import Bank of the United States.

4 ADMINISTRATIVE PROVISIONS

5 SEC. 8. (a) The Secretary is authorized to appoint and
6 fix the compensation of such officers and employees, includ-
7 ing attorneys and investigators, as may be necessary to carry
8 out the functions of the Secretary and the Department.
9 Except as otherwise provided by law, such officers and em-
10 ployees shall be appointed in accordance with the provisions
11 of title 5, United States Code, governing appointments in the
12 competitive service, and compensated in accordance with the
13 provisions of chapter 51 and subchapter III of chapter 53 of
14 such title.

15 (b) The Secretary may obtain the services of experts
16 and consultants in accordance with the provisions of section
17 3109 of title 5, United States Code, and may compensate
18 such experts and consultants at rates not to exceed the daily
19 rate prescribed for GS-18 of the General Schedule under
20 section 5332 of such title.

21 (c)(1)(A) The Secretary is authorized to accept volun-
22 tary and uncompensated services without regard to the provi-
23 sions of section 3679(b) of the Revised Statutes (31 U.S.C.
24 665(b)) if such services will not be used to displace Federal

1 employees employed on a full-time, part-time, or seasonal
2 basis.

3 (B) The Secretary is authorized to accept volunteer
4 service in accordance with the provisions of section 3111 of
5 title 5, United States Code.

6 (2) The Secretary is authorized to provide for incidental
7 expenses, including but not limited to transportation, lodging,
8 and subsistence for such volunteers.

9 (3) An individual who provides voluntary services under
10 paragraph (1)(A) of this subsection shall not be considered a
11 Federal employee for any purpose other than for purposes of
12 chapter 81 of title 5, United States Code, relating to compen-
13 sation for work injuries, and of chapter 171 of title 28,
14 United States Code, relating to tort claims.

15 (d) In the exercise of the functions transferred under this
16 Act, the Secretary shall have the same authority as the func-
17 tions of the agency or office, or any part thereof, exercising
18 such functions immediately preceding their transfer, and the
19 actions of the Secretary in exercising such functions shall
20 have the same force and effect as when exercised by such
21 agency or office, or part thereof.

22 (e) Except as otherwise provided in this Act, the Secre-
23 tary may delegate any of his functions to such officers and
24 employees of the Department as the Secretary may desig-
25 nate, and may authorize such successive redelegations of

1 such functions within the Department as may be necessary or
2 appropriate. No delegation of functions by the Secretary
3 under this section or under any other provision of this Act
4 shall relieve the Secretary of responsibility for the adminis-
5 tration of such functions.

6 (f) The Secretary is authorized to prescribe, in accord-
7 ance with the provisions of chapter 5 of title 5, United States
8 Code, such rules and regulations as may be necessary or ap-
9 propriate to carry out the functions of the Secretary or the
10 Department.

11 (g)(1) The Secretary is authorized to enter into and per-
12 form such contracts, grants, leases, cooperative agreements,
13 or other similar transactions with Federal departments and
14 agencies, public agencies, State, local, and tribal govern-
15 ments, private organizations, and individuals, and to make
16 such payments, by way of advance or reimbursement, as the
17 Secretary may deem necessary or appropriate to carry out
18 his functions in administering the Department.

19 (2) Notwithstanding any other provision of this Act, no
20 authority to enter into contracts or to make payments under
21 this Act shall be effective except to such extent or in such
22 amounts as are provided in advance under appropriation
23 Acts. This subsection shall not apply with respect to the au-
24 thority granted under subsection (h).

1 (h) The Secretary is authorized to accept, hold, adminis-
2 ter, and utilize gifts, bequests and devises of property, both
3 real and personal, for the purpose of aiding or facilitating the
4 work of the Department. Gifts, bequests, and devises of
5 money and proceeds from sales of other property received as
6 gifts, bequests, or devises shall be deposited in the Treasury
7 in a separate fund and shall be disbursed upon the order of
8 the Secretary. Property accepted pursuant to this section,
9 and the proceeds thereof, shall be used as nearly as possible
10 in accordance with the terms of the gift, bequest, or devise
11 donating such property. For the purposes of Federal income,
12 estate, and gift taxes, property accepted under this section
13 shall be considered as a gift, bequest, or devise to the United
14 States.

15 (i) The Secretary is authorized to establish a working
16 capital fund, to be available, to the extent provided in an
17 appropriation Act and without fiscal year limitation, for ex-
18 penses necessary for the maintenance and operation of such
19 common administrative services as the Secretary finds to be
20 desirable in the interests of economy and efficiency, including
21 such services as a central supply service for stationery and
22 other supplies and equipment for which adequate stocks may
23 be maintained to meet in whole or in part the requirements of
24 the Department and its components; central messenger, mail,
25 telephone, and other communications services; office space,

1 central services for document reproduction, and for graphics
2 and visual aids; and a central library service. The capital of
3 the fund shall consist of any appropriations made for the pur-
4 pose of providing capital (which appropriations are author-
5 ized) and the fair and reasonable value of such stocks of sup-
6 plies, equipment, and other assets and inventories on order as
7 the Secretary may transfer to the fund, less the related liabil-
8 ities and unpaid obligations. Such funds shall be reimbursed
9 in advance from available funds of components of the Depart-
10 ment, or from other sources, for supplies and services at rates
11 which will approximate the expense of operation, including
12 the accrual of annual leave and the depreciation of equip-
13 ment. The fund shall also be credited with receipts from sale
14 or exchange of property and receipts in payments for loss or
15 damage to property owned by the fund. There shall be cov-
16 ered into the United States Treasury as miscellaneous re-
17 ceipts any surplus found in the fund (all assets, liabilities, and
18 prior losses considered) above the amounts transferred or ap-
19 propriated to establish and maintain such fund. There shall
20 be transferred to the fund the stocks of supplies, equipment,
21 other assets, liabilities, and unpaid obligations relating to the
22 services which the Secretary determines will be performed
23 through the fund.

(j) The Secretary shall cause a seal of office to be made for the Department of such design as the Secretary shall approve. Judicial notice shall be taken of such seal.

REORGANIZATION

5 SEC. 9. The Secretary is authorized to allocate or real-
6 locate functions among the officers of the Department, and to
7 establish, consolidate, alter, or discontinue such organization-
8 al entities within the Department as may be necessary or
9 appropriate. The authority of the Secretary under this section
10 does not extend to the abolition of organizational entities es-
11 tablished by this Act or the reallocation of functions among
12 the officers of the Department as specifically designated by
13 this Act.

TRANSFER OF PERSONNEL

15 SEC. 10. (a) Except as otherwise provided in this Act,
16 the personnel employed in connection with, and the assets,
17 liabilities, contracts, property, records, and unexpended bal-
18 ances of appropriations, authorizations, allocations, and other
19 funds employed, held, used, arising from, available to or to be
20 made available in connection with the functions transferred to
21 the Secretary by this Act, subject to section 202 of the
22 Budget and Accounting Procedures Act of 1950, are trans-
23 ferred to the Secretary for appropriate allocation. Unexpended
24 funds transferred pursuant to this subsection shall be used

1 only for the purposes for which the funds were originally au-
2 thorized and appropriated.

3 (b) Positions specified by statute or reorganization plan
4 to carry out functions transferred by this Act, personnel oc-
5 cupying those positions on the effective date of this Act, and
6 personnel authorized to receive compensation in such posi-
7 tions at the rate prescribed for offices and positions at level I,
8 II, III, IV, or V of the Executive Schedule contained in
9 sections 5312 through 5316 of title 5, United States Code,
10 on the effective date of this Act, shall be subject to the provi-
11 sions of section 11.

12 (c) Except as otherwise provided in this Act, the trans-
13 fer pursuant to this title of full-time personnel (except special
14 Government employees) and part-time personnel holding per-
15 manent positions shall not cause any such employee to be
16 separated or reduced in grade or compensation for one year
17 after such transfer or after the effective date of this Act,
18 whichever is later.

19 (d) Any person who, on the day before the effective date
20 of this Act, held a position compensated in accordance with
21 the Executive Schedule prescribed in chapter 53 of title 5,
22 United States Code, and who, without a break in service, is
23 appointed in the Department to a position having duties com-
24 parable to the duties performed immediately preceding such
25 appointment shall continue to be compensated in such new

1 position at not less than the rate provided for such previous
2 position for the duration of the service of such person in such
3 new position.

4 AGENCY TERMINATIONS

5 SEC. 11. Except as otherwise provided in this Act,
6 whenever all of the functions of any agency, commission, or
7 other body, or any component thereof, have been terminated
8 or transferred by this Act from that agency, commission, or
9 other body, or component thereof, such agency, commission,
10 or other body, or component shall terminate. If an agency,
11 commission, or other body, or any component thereof, termi-
12 nates pursuant to the provisions of the preceding sentence,
13 each position and office therein which was expressly author-
14 ized by law, or the incumbent of which was authorized to
15 receive compensation at the rates prescribed for an office or
16 position at level II, III, IV, or V of the Executive Schedule
17 contained in sections 5313 through 5316 of title 5, United
18 States Code, shall terminate.

19 INCIDENTAL DISPOSITIONS

20 SEC. 12. The Director of the Office of Management and
21 Budget, at such time or times as such Director shall provide,
22 is authorized and directed to make such determinations as
23 may be necessary with regard to the transfer of functions
24 which relate to or are utilized by an officer, agency, commis-
25 sion or other body, or component thereof, affected by this

1 Act, and to make such additional incidental dispositions of
 2 personnel, assets, liabilities, grants, contracts, property, rec-
 3 ords, and unexpended balances of appropriations, authoriza-
 4 tions, allocations, and other funds held, used, arising from,
 5 available to, or to be made available in connection with the
 6 functions transferred by this Act, as may be necessary to
 7 carry out the provisions of this Act. The Director of the
 8 Office of Management and Budget shall provide for the termi-
 9 nation of the affairs of all agencies, commissions, offices, and
 10 other bodies terminated by this Act and for such further
 11 measures and dispositions as may be necessary to effectuate
 12 the purposes of this Act.

13 SAVINGS PROVISIONS

14 SEC. 13. (a) All orders, determinations, rules, regula-
 15 tions, permits, grants, contracts, certificates, licenses, and
 16 privileges—

17 (1) which have been issued, made, granted, or al-
 18 lowed to become effective by the President, any Feder-
 19 al department or agency or official thereof, or by a
 20 court of competent jurisdiction, in the performance of
 21 functions which are transferred under this Act to the
 22 Department or the Secretary, and

23 (2) which are in effect at the time this Act takes
 24 effect,

1 shall continue in effect according to their terms until modi-
2 fied, terminated, superseded, set aside, or revoked in accord-
3 ance with the law by the President, the Secretary, or other
4 authorized official, a court of competent jurisdiction, or by
5 operation of law.

6 (b)(1) The provisions of this Act shall not affect any
7 proceedings, including notices of proposed rulemaking, or any
8 application for any license, permit, certificate, or financial as-
9 sistance pending on the effective date of this Act before any
10 department, agency, commission, or component thereof, the
11 functions of which are transferred by this Act; but such pro-
12 ceedings and applications, to the extent that they relate to
13 functions so transferred, shall be continued. Orders shall be
14 issued in such proceedings, appeals shall be taken therefrom,
15 and payments shall be made pursuant to such orders, as if
16 this Act had not been enacted; and orders issued in any such
17 proceedings shall continue in effect until modified, terminat-
18 ed, superseded, or revoked by the Secretary, by a court of
19 competent jurisdiction, or by operation of law. Nothing in this
20 subsection shall be deemed to prohibit the discontinuance or
21 modification of any such proceeding under the same terms
22 and conditions and to the same extent that such proceeding
23 could have been discontinued or modified if this Act had not
24 been enacted.

1 (2) The Secretary is authorized to promulgate regula-
2 tions providing for the orderly transfer of proceedings contin-
3 ued under paragraph (1) to the Department.

4 (c) Except as provided in subsection (e)—

5 (1) the provisions of this Act shall not affect suits
6 commenced prior to the effective date of this Act, and

7 (2) in all such suits, proceedings shall be had, ap-
8 peals taken, and judgments rendered in the same
9 manner and effect as if this Act had not been enacted.

10 (d) No suit, action, or other proceeding commenced by
11 or against any officer in the official capacity of such individu-
12 al as an officer or any department or agency, functions of
13 which are transferred by this Act, shall abate by reason of
14 the enactment of this Act. No cause of action by or against
15 any department or agency, functions of which are transferred
16 by this Act, or by or against any officer thereof in the official
17 capacity of such officer shall abate by reason of the enact-
18 ment of this Act.

19 (e) If, before the date on which this Act takes effect, any
20 department or agency, or officer thereof in the official capac-
21 ity of such officer, is a party to a suit, and under this Act any
22 function of such department, agency, or officer is transferred
23 to the Secretary or any other official of the Department, then
24 such suit shall be continued with the Secretary or other ap-

1 appropriate official of the Department substituted or added as a
2 party.

3 (f) Orders and actions of the Secretary in the exercise of
4 functions transferred under this Act shall be subject to judi-
5 cial review to the same extent and in the same manner as if
6 such orders and actions had been by the agency or office, or
7 part thereof, exercising such functions, immediately preced-
8 ing their transfer. Any statutory requirements relating to
9 notice, hearing, action upon the record, or administrative
10 review that apply to any function transferred by this Act
11 shall apply to the exercise of such function by the Secretary.

12 ANNUAL REPORT

13 SEC. 14. The Secretary shall, within thirty calendar
14 days after the end of each calendar year, make a report to
15 the President for submission to the Congress on the activities
16 of the Department during the preceding calendar year.

17 REFERENCE

18 SEC. 15. With respect to any functions transferred by
19 this Act and exercised after the effective date of this Act,
20 reference in any other Federal law to any department, com-
21 mission, or agency or to any officer or office the functions of
22 which are so transferred shall be deemed to refer to the Sec-
23 retary or the Department.

1

TRANSITION

2 SEC. 16. With the consent of the appropriate depart-
3 ment or agency head concerned, the Secretary is authorized
4 to utilize the services of such officers, employees, and other
5 personnel of the departments and agencies of the executive
6 branch for such period of time as may reasonably be needed
7 to facilitate the orderly transfer of functions under this Act.

8

TECHNICAL AND CONFORMING AMENDMENTS

9 SEC. 17. (a) Section 19(d)(1) of title 3, United States
10 Code, is amended by inserting before the period a comma and
11 the following: "Secretary of International Trade".

12 (b) Section 101 of title 5, United States Code, is amend-
13 ed by adding at the end thereof the following:

14 "The Department of International Trade.".

15 (c)(1) Section 5312(13) of such title is repealed.

16 (2) Section 5312 of such title is amended by adding at
17 the end thereof the following:

18 "(15) Secretary of International Trade.".

19 (d) Section 5313 of such title is amended by adding at
20 the end thereof the following:

21 "(25) Deputy Secretary for Trade Negotiations,
22 Department of International Trade.".

23 (e) Section 5315 of such title is amended by adding at
24 the end thereof the following:

1 “(128) Assistant Secretaries of International
2 Trade (4).

3 “(129) General Counsel, Department of Interna-
4 tional Trade.

5 “(130) Inspector General, Department of Interna-
6 tional Trade.”.

7 (f) Section 5316 of such title is amended by adding at
8 the end thereof the following:

9 “(152) Director of Long-Range Policy Planning,
10 Department of International Trade.”.

11 (g) Section 102(10) of the Department of Energy Orga-
12 nization Act is amended by inserting “International Trade,”
13 before “State,”.

14 (h)(1) The first paragraph of section 231 of the Foreign
15 Assistance Act of 1961 is amended—

16 (A) by inserting “and to promote the international
17 trade position of the United States” after “develop-
18 ment assistance objectives of the United States”; and

19 (B) by striking out all after “agency of the United
20 States”.

21 (2) Section 233(b) of such Act is amended by striking
22 out “Administrator of the Agency for International Develop-
23 ment” and inserting in lieu thereof “Secretary of Internation-
24 al Trade”.

1 AUTHORIZATION OF APPROPRIATIONS

2 SEC. 18. Subject to any limitation on appropriations ap-
3 plicable with respect to any function transferred to the Secre-
4 tary, there are authorized to be appropriated such sums as
5 may be necessary to carry out the provisions of this Act and
6 to enable the Secretary to administer and manage the De-
7 partment.

8 SEPARABILITY

9 SEC. 19. If any provision of this Act or the application
10 thereof to any person or circumstance is held invalid, neither
11 the remainder of this Act nor the application of such provi-
12 sion to other persons or circumstances shall be affected
13 thereby.

14 EFFECTIVE DATE

15 SEC. 20. (a) The transfer of functions pursuant to sec-
16 tion 7 of this Act shall take effect one hundred and twenty
17 days after the Secretary first takes office, or on such earlier
18 date as the President may prescribe and publish in the Feder-
19 al Register, except that at any time after the date of enact-
20 ment of this Act—

21 (1) any of the officers provided for this Act may
22 be nominated and appointed as provided in this Act,
23 and

24 (2) the Secretary may promulgate regulations pur-
25 suant to section 8(f) of this Act.

1 (b) Funds available to any department or agency (or any
2 official or component thereof), the functions of which are
3 transferred to the Secretary by this Act, may, with the ap-
4 proval of the Director of the Office of Management and
5 Budget, be used to pay the compensation and expenses of
6 any officer appointed pursuant to this Act until such time as
7 funds for that purpose are otherwise available.

8

INTERIM APPOINTMENTS

9 SEC. 21. (a) In the event that one or more officers re-
10 quired by this Act to be appointed by and with the advice and
11 consent of the Senate shall not have entered upon office on
12 the effective date of this Act and notwithstanding any other
13 provision of law, the President may designate an officer in
14 the executive branch to act in such office for ninety days or
15 until the office is filled as provided in this Act, whichever
16 occurs first.

17 (b) Any officer acting in an office in the Department
18 pursuant to the provisions of subsection (a) shall receive com-
19 pensation at the rate prescribed for such office under this
20 Act.